



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 19, 1998

Ms. Dianne Eagleton, Supervisor  
Records Division  
North Richland Hills Police Department  
City of North Richland Hills  
P.O. Box 820609  
North Richland Hills, Texas 76182-0609

OR98-2768

Dear Ms. Eagleton:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119687.

The City of North Richland Hills Police Department received a request for records relating to an incident investigated by the police and referred to the Department of Protective and Regulatory Services. You seek to withhold the requested information under sections 552.101 and 552.108 of the Government Code.

Section 552.101 requires withholding of information made confidential by statute. Section 261.201(a) of the Family Code provides:

The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect [of a child] made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, *the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.* [Emphasis added.]

You have not informed this office of any rules the department has adopted that would permit access to the requested records. Because the information at issue pertains to an investigation of sexual assault of a child, we conclude that you must withhold the requested records in their entirety pursuant to section 261.201 of the Family Code.<sup>1</sup> *But see* Fam.Code § 261.201(b) (provision for court ordered access), (g) (parents' right of access to records held by Department of Protective and Regulatory Services). Since we resolve your request under Section 261.201, we need not address your other claims for withholding the requested information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/ch

Ref: ID# 119687

Enclosures: Submitted documents

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<sup>1</sup>We note that you cited to section 58.007(c) and former section 51.14(d) of the Family Code for the proposition that the information at issue is confidential. Those provisions pertain to juvenile justice records and do not appear to apply to the records at issue here.